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MAILED

MAY 18 2006

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re Application of

Shoji Kodama

Application No. 10/688,329

Filed: October 17, 2003

For: **METHOD AND APPARATUS FOR FILE
REPLICATION WITH A COMMON FORMAT**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed October 17, 2005 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

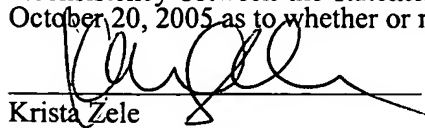
The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets the above-listed requirements. However, it is noted that the Information Disclosure Statement (IDS) filed October 20, 2005 includes a statement which appears to contradict that provided in the petition filed October 17, 2005. Specifically, the petition states that a search was performed by an independent patent search firm; whereas the IDS includes a statement that "no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information".

Accordingly, the petition is **DENIED**.

Petitioner may submit a request for reconsideration within **TWO MONTHS** of the date of this decision. Any request for reconsideration should include clarification in regard to item (4) above, specifically the inconsistency between the statements provided in the petition filed October 17, 2005 and the IDS filed October 20, 2005 as to whether or not a search was in fact provided.


Krista Zele
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Communications